



Table Of Contents

I.	The Status of the Application and All Claims	<u>20</u>
II.	Response Time Limit to New Ground of Rejection	<u>20</u>
III.	Pending Petition to Re-characterize the Panel's Decision on Claims 17-32	<u>20</u>
IV.	Review and Panel Decision, Addressing Conclusion of Law and Fact of the Panel, and Effect on Ongoing Prosecution	<u>20</u>
A.	Summary of the Panel Decision	<u>20</u>
B.	Comments on the Reversal of the Rejection of Claims 8, 9, 12, and 13 under 35 USC 102 Based upon Creekmore	<u>21</u>
C.	Comments on the Reversal of the Rejections of Claims 33-39 under 35 USC 102 Based upon Goldman	<u>22</u>
D.	Comments on the Reversal of the Rejections of Claims 15 and 16 Under 35 USC 103 as Obvious Based Upon <i>Creekmore</i> in View of <i>Off</i>	<u>22</u>
E.	Comments on the Reversal of Rejections of Claims 10, 11, and 14 Under 35 USC 103 Based upon <i>Creekmore</i>, in View of <i>Off</i>, and Further in View of <i>Tai</i>	<u>23</u>
F.	Comments on the Affirmance of Rejections of Claims 17-32 Under 35 USC 103 Based Upon <i>Creekmore, Off, Tai, - and Bigari</i>	<u>24</u>
1.	Facts Relating to the Panel's Decision	<u>24</u>
2.	The Teachings of Bigari	<u>25</u>
a.	The Bigari Credit Voucher Concept	<u>25</u>
b.	Data that Bigari <u>Does Disclose</u> Storing	<u>25</u>
c.	Data that Bigari <u>Does Not Disclose</u> Storing	<u>26</u>
d.	What Bigari Discloses Transmitting between the Point of Sale Terminal and the Transaction Processor	<u>27</u>
e.	The Data That Bigari Discloses Storing at the End of the Purchase Transaction	<u>27</u>
3.	The Teachings of Creekmore	<u>27</u>
a.	Creekmore's Check Verification Based Business Concept	<u>27</u>

b.	Data that Creekmore <u>Does Disclose</u> Storing	<u>28</u>
c.	Data that Creekmore <u>Does Not Disclose</u> Storing	<u>29</u>
4.	The Panel's Creekmore/Bigari Combination Is Improper	<u>29</u>
a.	Both Bigari and Creekmore Teach Away from Performing Credit Verification (Voucher or Check) at the Point of Sale	<u>30</u>
b.	Bigari's Second Embodiment Does Not Suggest Integrating a Credit Verification Terminal into a Point of Sale Terminal ...	<u>30</u>
1.	What the Bigari Second Embodiment Teaches	<u>30</u>
2.	The Panel's Conclusions Based Upon Bigari Do Not Logically Follow From the Teachings of Bigari	<u>32</u>
a.	Errors made by the Panel	<u>32</u>
c.	It Would Be Illogical to Incorporate, as the Panel Suggested, Creekmore's Check Credit Verification Terminal into Creekmore's Point of Sale Terminal	<u>32</u>
d.	Any Modification of Creekmore in View of Bigari Is Not Logical and There Is No Objective Motivation for Such a Modification	<u>33</u>
e.	Even a Modification of Creekmore to Incorporate Check Processing Functionality in a Point of Sale Terminal Would Not Result in Certain Claimed Subject Matter	<u>34</u>
f.	Assuming Arguendo a Combination of Creekmore and Bigari, Claim 17 is Still Non-Obvious	<u>35</u>
g.	Furthermore, Neither Reference Discloses or Suggests Storing in a Transaction Record a Time or Date of Transaction, as per Claims 29 and 32	<u>36</u>
G.	Comments on the Panel's Reversal of Rejections of Claims 10, 11, and 14 for Obviousness-type Double Patenting over Claims 18 and 26 of USP 5,201,010 in View of Tai	<u>37</u>

H.	Comments on the Panel's Reversal of the Rejections of Claims 17-32 for Obviousness-Type Double Patenting over Claims 1 and 3 of USP 5,592,560	<u>37</u>
I.	Comments on the Panel's New Ground of Rejection of Claim 33 as Anticipated by Creekmore	<u>38</u>
1.	Creekmore Does Not Disclose Claim 33's "customer database comprising stored transaction data from prior point-of-sale transactions ... in association with a customer identification ... <u>dollar amount of purchases</u>"	<u>39</u>
a.	Creekmore Does Not Disclose Storing <i>Check Dollar Amounts</i> from "<i>prior ... transactions</i>"	<u>39</u>
2.	Creekmore Does Not Disclose Claim 33's "customer database comprising stored transaction data from prior point-of-sale transactions ... in association with a customer identification ... <i>time period</i>"	<u>44</u>
V.	Support for New Claims	<u>46</u>
VI.	Closure	<u>47</u>